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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,316	08/10/2006	Monica Macha	4255	5995
27727 7590 10/16/2008 PEDERSEN & COMPANY, PLLC P.O. BOX 2666 BOISE, ID 83701				
EXAMINER				
PUROL, DAVID M				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/589,316

**Applicant(s)**

MACHA, MONICA

**Examiner**

David M. Puroi

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6,9-12,17,19,20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,9-12,17,19,20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,6,9-12,17,19,20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constance in view of Nichols and Mole. Constance discloses a drape comprising first, second, liner fabrics 18,10,16,8,6 which are capable of being reversed if so desired. While Constance does not disclose the drape as having first and second headings, Nichols discloses a drape having first and second headings 18, wherein, to incorporate this teaching into the drape of Constance for the purpose of facilitating the mounting of the drape in different positions would have been obvious to one of ordinary skill in the art. While Constance does not disclose the use of an opening, Mole discloses a drape 10,12,13 using a fastening arrangement 14 which provides for an opening, wherein, to incorporate this teaching into the drape of Constance, as modified by Nichols, for the purpose of accessing the fabrics would have been obvious to one of ordinary skill in the art.

2. The applicant argues that Constance discloses a drape with multiple layers but does not disclose or suggest two headings for attachment to a drapery rod along with any reversible features including that of an opening and Mole does not disclose or suggest two headings for attachment to a drapery rod or suggest any inside-out reversible features. This is not convincing for it is the reference to Nichols which

discloses the use of first and second headings for the explicit purpose of providing a reversible curtain. The drape as disclosed by Mole is clearly capable of being reversed inside-out through an opening provided by the fasteners 14.

The applicant argues that Nichols does not disclose or suggest any inside-out reversible features which, as opposed to applicant's claimed structure, Nichol's first and second headings are merely pockets at each end of the drape that are exposed external surfaces that are visible at all times. This is not convincing for it is the references to Constance and Mole which disclose a drape having multiple layers and it is the reference to Nichols which discloses the use of first and second headings for the explicit purpose of providing a reversible curtain.

The applicant states that in Mole it can only reasonably be construed if the hook-and-loop fastener were separated to have an opening at an end of the drape rather than between ends. This is not convincing for Mole discloses that the fastener 14 extends the periphery of the drape and as such it is disposed between each of the respective ends of the drape.

The applicant argues that even if one were to combine Constance and Mole and Nichols one would at most achieve a multiple-layer drape wherein the multiple layers could be separated by hook-and-loop fasteners and wherein ends of the drapes are somehow formed into two always-exposed and always-visible headings. This is not convincing for there is nothing to indicate that the headings will always be exposed.

Applicant's arguments have been fully considered but they are not persuasive inasmuch as all the claimed elements are known in the prior art and one skilled in the

art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/  
**David M Purol**  
**Primary Examiner**  
**Art Unit 3634**

/D. M. P./  
(571) 272-6833  
October 12, 2008